

REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Rejection of Claims 1-8 Under 35 USC §102(e) in view of U.S. Patent No. 6,552,713 (Van Brocklin)

This rejection is also respectfully traversed on the grounds that the Van Brocklin patent fails to disclose or suggest “*a first convex **lens** located upon the housing such that an object may be placed on the first convex lens,*” as originally claimed. Instead, Van Brocklin merely teaches a curved surface for supporting a finger, that may be any shape, and that has no lens properties.

It is respectfully submitted that, contrary to the Official Action, two parallel surfaces do not constitute a “lens” even if the surfaces are curved. For example, a window is not a lens. Even if the window is curved, it is still not a lens if it does not bend light so as to change an image viewed through the window. To call element 30 of Van Brocklin a “lens” distorts the meaning of the word “lens.”

Nevertheless, even though the original claims are believed to be clearly distinguishable over Van Brocklin when interpreted in a reasonable manner, claim 1 has been amended to further recite that the lens has **two convex surfaces**. The so-called “lens” of Van Brocklin has **one convex surface and one concave surface**, and therefore does not anticipate the amended claim even if element 30 is considered to be a “lens.”

The purpose of the claimed convex lens is described in lines 22-26 on page 4 of the original specification, as follows: “*to the character of the first convex lens 131, the finger has to contact the lens 131 properly so as to present a clear image for the sensor 14. In other words, even if the finger is very close to the lens 131, the sensor 14 will not sense any vague image to generate a signal for the computer.*” In other words, by using a “convex lens,” as claimed,” the

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invention causes a signal to be generated only when the user's finger is properly situated on the lens, so as to avoid unintentionally activating the sensor.

The curved surface 30 of Van Brocklin has no such effect, but rather is designed "*to allow for a similar feel as a trackball-pointing device* (col. 3, lines 3-6 of the Van Brocklin patent), and/or for "*comfort, feel, and response*," as explained in col. 3, lines 15-21. In fact, col. 3, lines 15-21 of Van Brocklin explain that the curved surface of may even be in the form of an inflatable or silicon gel filled container, which would increase comfort but prevent any sort of lensing or focusing effect from being achieved.

The inclusion of two convex surfaces is therefore not merely a matter of design choice. Whereas the claimed first and second lenses work together to focus light reflecting from a properly placed finger onto a sensor, Van Brocklin has to take additional measures in order to eliminate the effects of ambient light changes and other spurious signals, resulting in a more complicated and less effective cursor control arrangement. As a result, the claimed invention is neither anticipated nor suggested by the Van Brocklin patent, whether considered individually or in combination with any other reference of record, and withdrawal of the rejection of claims 1-8 in view of the Van Brocklin patent is respectfully requested.

Having thus overcome the sole rejection made in the Official Action, expedited passage of the application to issue is requested.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to read 'B. Urcia', with a stylized flourish extending to the right.

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